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COMMUNITY SERVICE NEWSLETTER

the community land trust-

A TOOL FOR COMMUNITIES

The Community Land Trust (CLT) is an approach to community land holding that addresses a number of problems of concern to communitarians. It is gaining acceptance among intentional communities and deserves far wider application than it has so far received. It is one piece of the jigsaw puzzle we need to assemble as we build strong, self-reliant communities. What follows is a discussion of our community values and needs relating to land, problems in regard to these needs, and the nature of the CLT.

Values and Needs

1. Individuals, families, communities have rights to use of land and to other resources. These rights may not be bargained or taken away.
2. Rewards to individuals and corporations from the land should be limited to socially valuable functions. Any increase in value of land due to changing social values in an area should accrue to the community (while giving the occupants benefits from good life and improvements).
3. Land use decisions should be made in accordance with mature appreciation of both short and long term consequences - including effects on usability of land by posterity. Assessments should also be weighted in

favor of positive social and natural effects of land use.

4. Individuals, families, communities need assurance of continuing tenure to meet their needs and to promote continuity and direction for the community.
5. The cost of access to land should be in line with other basic costs of living.
6. Society needs a pervading sense and practice of justice, brotherhood, and of trust. Cooperation (in contrast to antisocial individualism) is the mode likely to support these values.
7. Reduction of inequality is an important social and personal aim.
8. Localization of power in the everyday affairs of people needs to balance larger forms of social organization and power.

Nature of the Problem

1. The folk society community control of land has been in conflict with exploitative private land ownership for thousands of years. This private ownership tends to displace human rights of the people.
2. Individuals, corporations and communities may use and abuse land without regard to what future generations will find and often without consideration for neighbors and the surrounding communities. Removal of topsoil, disposal of wastes, alteration of drainage, and destruction of vegetation may be carried out with only the "owner's" self interest in consideration.
3. Those with money or other power buy and hold great tracts of land, often in areas remote from their own personal activities and without rela-

tionship to them. Their only interest may be speculation on increasing values or profitable exploitation of limited natural resources.

4. Those in need may be forced by power or necessity to put their only land in jeopardy through mortgage or even sell out for the relatively short necessity to get money.
5. Many persons, classes of persons, and communities are excluded from access to land on which to make their livelihood and on which to live. Such persons are often faced with no choice but to be crowded as displaced persons into public housing in the metropolis, and work in wage slavery, even though they possess the wish, talents and experience for a life-style that is more self-reliant and self-realizing than wage labor. For many, especially minorities and women, there is not even this opportunity of selling their labor.
6. Land is interconvertible with money and is treated as a personal possession and a commodity. It is subject to only slightly regulated self interest in its use and disposition.
7. A large fraction of our land has been bought up and held by a small fraction of our population - much of it by great corporations. There is domination of land ownership and much of societal planning by these corporations. Consequences of this include inflation of land valuation at rates greatly exceeding price increases in most ordinary commodities. This results from holding land off the market, from corporation control over governmental tax and land use policies, and from development planning being widely dominated by vested interests in conflict with the public interest.
8. Perspectives in land and other resource use decisions are largely short term, with little consideration of the rights or needs of coming generations. An extreme example highlighting this attitude is the burying of nuclear wastes with radiation half-lives of many thousands of years.
9. Management of land by absentee landlords includes goals and methods that favor the "owner" over the users of

the land, and conversely users who do not feel a sense of commitment may use the land badly themselves.

10. Short term renters are often prevented from making effective long term plans for the use of the land they occupy. And the cumulative effect on the community of many short-termers almost guarantees that planning and decisions will ignore long term values.

Background for the Community Land Trust

Patterns of land holding in many pre-industrial and pre-feudal societies have included a broad social interest in and governance and improvement of land. Individuals, families, clans or tribes often held use rights, with nothing equivalent to our concept of "title", with ownership vested in the society at large (sometimes in the name of a paramount ruler or elite, who assumed responsibilities for the general welfare, as a patriarch). Substantially land was held as a basic human resource, rather than a commodity to be bought and sold. Tecumseh said, "Sell the land? Why not sell the air, the clouds, the great seas?"

Tradition very often also guided people in the use of land. Types of cultivation and cropping, the minutia of husbandry, layout of homesteads and communities, materials for and design of construction, use of structures and patterns of occupancy - all these and many other facets of land use have been governed through strong senses of social and natural value and order. While those in power usually got the long end of the stick, societies of strength also provided for a redress of grievance and a maintenance of balance among the people. The biblical Jubilee was such a device, through which property, including land, could be re-distributed to those who had lost theirs, every fifty years.

Private, individual land titles as formulated in Roman law have put a stamp on all of Western society since then. With the progressive weakening of social controls since the industrial revolution, self-interest in land acquisition and use has snowballed, with no counterbalancing force for social control or

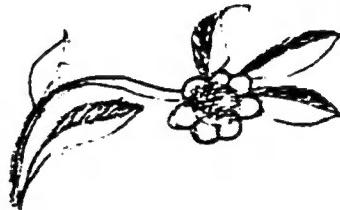
guidance. Responses to this anarchic situation have been many and diverse. Land reform has been a motivation for peasant revolt. Typically where land has been redistributed from feudal estates, the small holders have been bought out or otherwise had their land taken from them again, usually by the same interests that held it prior to expropriation. In the nineteenth century, the Danish government acted to reform land holdings, but recognizing the vulnerability of small land owners to repeated expropriation, Denmark established use rights only for occupants of the lands. Security in the land use has been so effective that in recent times the government has found itself exerting influence to encourage descendants of the original leaseholders to agree to pooling their land into larger parcels, for more efficient, mechanized agriculture.

Learning from Denmark, at the turn of the century the Jewish National Fund started building what has since become for Israel a national land trust which now holds over 60% of that nation's arable land. Villages, industries and residential areas, as well as the collective Kibbutzim and Moshavim thrive with secure use-rights on trust lands. A large share of the stability in the development of Israel, especially of the crucial early communities, has been credited to the land trust pattern in creating a rural social base and in community building.

Independent Tanzania's President Julius Nyerere has seen to the establishment of a national land trust with use rights to those in possession. Nyerere explicitly recognizes this modern form as a substitute for the traditional system of secure tenure which the English had replaced with an individual title system. This colonial imposition's destructive social, economic, and political effects were the reason given for building a national land trust.

Gandhi's associate Vinoba Bhave attempted land redistribution with an inspired movement of landlords giving land to the peasants, called "Bhoodan". When he found that such gifts were sold again into large landowners' estates, he dev-

eloped another program called "Gramdan" by which gifts of land went to the village, rather than to the individual farmer, so that the larger social interest would hold the title, with greater stability. 18,000 villages in India now hold land under this Gramdan program, with secure use rights held by families and individuals. Some socialist and state capitalist countries have expropriated land as an early act of power. The effects have been various. Russia's continuing difficulties in feeding its people suggests that the bureaucratic inefficiencies and burdens of centralized land holding should be avoided. In contrast, the Chinese have dramatically demonstrated the possibilities that can be realized through decentralist, cooperative working and communal holding of land and of all natural resources.



The Community Land Trust

The above examples of more or less effective patterns of holding land for the common welfare are useful in the societies where they occur. We have different circumstances and therefore our own set of options and limitations. For our society here and now, smallness of scale seems to be the direction in which we can start to move most effectively. Hence the Community Land Trust, in contrast to state land ownership. The present laws of the United States permit formation and operation of CLTs. High land acquisition cost and the modest resources available to get CLTs going with land also argue for smallness of scale. Further, small groups of people, working out new patterns of community are far more likely to develop and maintain effective cooperation than are large aggregations, given our social values. Smallness of beginning may be particularly relevant to poor and minority groups.

Nature of the CLT

What is a Community Land Trust? It is a quasi-public, not-for-profit organization designed to hold title to real property in stewardship, on behalf of current and future users of the land and its resources. It is chartered by the state to deal with allocation of land to users, continuity of its use, and with exchange of land among users. The CLT is primarily concerned with the common good, as it relates to land and its use and the communities of persons who use tracts of land, as well as the larger society of those outside of trust lands who are concerned with it.

The concept of "trust" expresses the idea developed by Silvio Gessell (building on the work of Henry George), Ralph Borsodi, Arthur Morgan, and others that land should not be owned as personal property - that which is transformed or manufactured by humans. It is a continuing resource pre-existing man's use and continuing into the future beyond any human plan. It can only be held in trust (Borsodi coined the term "trusterty") for succeeding generations. As a Nigerian tribesman said, "I conceive that land belongs for use to a vast family of which many are dead, few are living, and countless numbers are still unborn." Thus it is that the Community Land Trust functions as a custodian, developing and maintaining focus on the large scale needs and values through time. At the same time, it promotes the wise and productive use of land and its associated resources to meet the needs of its current users.

How does a CLT work? The most generally useful form is the non-profit corporation, organized under the laws of a state government. Purposes are spelled out in the corporate charter. Minimally these include:

1. to hold title to real property
2. to lease it to users
3. to receive monies from the leases and use them as specified.

Additional concepts commonly set forth in the corporate documents are:

- a. That there be no subleasing. One of the primary purposes is to get away from the absentee landlord and to place users in a more nearly primary relationship to the land.
- b. That land should not be sold, or that land should be sold only for the purpose of buying more suitable land in its place. A principal idea is that of eliminating the future buying and selling of land - of changing the nature of land from that of a commodity to that of a resource, with proper use rights (and properness of use) becoming the negotiable issues.
- c. That land use should be in accordance with principles of sound, long-term management. This may be spelled out in ecological as well as social terms. For instance, there may be requirements for maintaining open space, for limitation to residential or agricultural use, for use of lease revenues in support of social programs. Harmonious and cooperative living may be consciously promoted.
- d. That in event of termination of the corporation (the life of which is stated to be perpetual) the members and/or the board governing it shall not receive benefit from the dissolution and even that the assets be turned over to some similar organization for the continuance of its purpose and activities.
- e. That leases shall be long-term and that the lease-holder shall be the actual user. That the holding shall be secure, limited only by agreement with the purposes and conformity with the regulations. And there is much variation in lease and bylaw provisions! (Examples are given in two of the references, below.)
- f. That in event of termination of a lease, the land may be leased to another who subscribes to the CLT purposes and agrees to use the land in accordance with the regulations. Some CLTs provide for inheritance of leases.

g. That, in some cases, the prospective lessee must first become a member of a community resident upon trust land, prior to being granted a lease. This rule usually applies in the case of CLTs that include intentional communities. As CLTs gain acceptance, it is clear that for many situations, this would be an inappropriate requirement.

These provisions deal with the three principal requirements for a system of land management: allocation, continuity, exchange. They constitute an alternative to our present dominant system in that there is promotion of positive ecological and social purpose, and that speculation in value and absentee holding are eliminated.

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Governance of Community Land Trusts

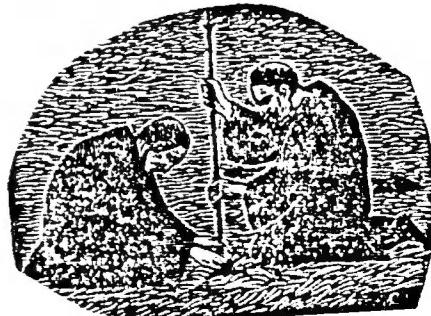
The corporate form provides for a board of trustees. Formation of the board is one of the most critical issues in organizing a CLT! Crucial questions are: What are the functions of the board? and, What interests should members represent? The board's chief function is to assure that the broad purposes of the CLT are carried out. It may also provide oversight to a manager or organization which is more closely involved with specifics. However, in general short term decision-making is the province of the land users--individually and/or collectively.

The board of trustees provides much of the human side of continuity, the overall guidance for the CLT. If membership comes exclusively from CLT land users, there will be loss of stability; with short-term interests and pressures being heard too much. On the other hand, if the board is drawn exclusively from outside of land-user communities, there may not be enough awareness of and responsiveness to actual needs and concerns. In addition to land-user representatives, board members might be chosen from broad-focus service institutions, as well as from residents in other CLTs. The balance of membership

should be weighted on the side of non-land users, because the gravest dangers to the CLT lie in coping with crises which primarily affect users. This is when broad perspectives and a certain amount of distance are needed. Association among all board members in the good times should serve to strengthen a unity of purpose and value that will support continuing trust and confidence in facing troubles together.

As with many organisms, the greatest vulnerability of the CLT has been in youth and smallness, with inadequate provision for stability and responsible continuity. Growth will come if dependability and competence are evident. Starting relatively small is a necessity. Building in scale and strength, through experience, should be actively promoted. Staying small and isolated is unwise and risky. A series of communities, each based on its own land trust will be far less stable and in far greater hazard of failure or being captured by selfish interests, than they would be if they associated and secured under a larger trust responsible for land in a small region. Yet larger associations of trusts could be analogous to the credit unions which depend on association in larger federations for strength and stability. Thus, a larger-scale entity, or regional land trust, is an important part of communitarian strategy. A number of them are in existence in the United States.

Trusteeship from outside the community has been considered very important by the Seventh Day Adventist Laymen's Foundation Land Trust which has sponsored a number of communities. It has helped bring objectivity to problems and brings together highly qualified people that could not be found to work with any one community.



In the absence of a regional land trust, an individual community will have to start by itself, but in any event a local group should look forward to association with other groups in the formation of a strong, capably managed regional land trust for long-run survival.

In a later newsletter we will continue with more details about leases, how to start a Community Land Trust, and information about groups that are now using the CLT.

Here are some references, available from Community Service:

THE COMMUNITY LAND TRUST; A Guide to a New Model for Land Tenure in America. 1972. By International Independence Institute. Paper 118+xvi pp. \$3.50. III has been working intensively in the development of CLT models for several years - and they are a resource for more information. They pioneered the largest CLT in the US - several thousand acres in use by black farmers in the South. Write III at Box 183, Ashby, Mass. 01431. Bob Swann is the director.

A COMPENDIUM OF LEGAL DOCUMENTS RELATING TO LAND TRUSTS. 1975. By Herb Goldstein of Downhill Farm. Mimeo, 33 pp. \$2.50. This is an annotated grouping of CLT charter statements, leases, bylaws and related papers. Very useful in conjunction with the first reference.

THE PEOPLE'S LAND; A Reader on Land Reform in the US. 1975. Edited by Peter Barnes. Perspectives on land ownership and use from Thomas Jefferson to the New Deal; regions, food production, taxes, land reform. 259 pp. paper. \$6.95.

Pete Hill



who owns the earth?

By Arthur E. Morgan 5/23/73
(revised and abbreviated.)

Introduction: Of Basic Human Rights

The recognition of human rights does not emerge automatically, but in many cases must be recognized and fought for, against the opposition of unjustified and entrenched privilege. Sometimes such injustices developed slowly from functions desirable in reasonable moderation; sometimes they survived from customs never justified by human brotherhood. The development of human culture and wellbeing commonly is won in case after case by the effort of people to remove unjustified accumulations of privilege and power.

As a great historic example, we have the institution of human slavery. Through the centuries, as human society took form, there developed arbitrary exercise of inherited power. But with the gradual growth of human relationships, there were also increases of goodwill and equality of opportunity which checked unjustified privilege. Such a case was the elimination of human slavery. Commonly human activity has begun by mutual human service with often only a gradual shift from service to exploitation, and with no clear division line between service and privilege. In fact, it is characteristic that modern society has been so complex that there are no adequate ways to separate human exploitation from legitimate human service.

Are there any possible ways and rules for making such a separation? Perhaps there may emerge a human activity, the dominant aim of which is to do just this, with increased commitment to the well-being of humanity.

A large part of the great wealth of early America was made through gifts of land by European powers to their favorites who cultivated it through "indentured servants," relatively few of whom ever came to own land.

Following the introduction of slavery, these servants were driven to find a subsistence living in the great hardwood forests. Later, companies bought this lumber for 50¢ to \$2 an acre, leaving the settlers destitute. This also happened out west under the Homestead Act. Later again, the discovery of coal, gas and oil, mainly west of the original 13 colonies, developed new methods of taking out billions of dollars from mineral rights, thus enormously increasing the power of oil operators. From 1962 to 1968, five international oil companies based in the U.S. earned almost \$30 billion. With powerful friends in Congress, they can nullify adverse legislation. Now, as if to punctuate this situation, the vast oil resources of Alaska have been transferred from public to private ownership. Similar gains have been made from the mining of copper, iron, lead and other minerals.

Likewise, tropical and sub-tropical land; eroded in temperate and sub-temperate lands; areas in sound agricultural use but near centers of dense population and thus doomed to development; all these should be publicly owned.

As chairman of the Tennessee Valley Authority, I became involved in another acquisition of value: the production of hydro-electric power at the Fontana Dam site which had been acquired by the Aluminum Company of America. I introduced legislation to prevent this and to give control to the federal government in the TVA. This was the precursor of the modern environmental impact statement.

Around James Bay, on the southern portion of Hudson Bay, there is at present underway a scheme (financed by American wealth) for a vast hydro-electric project, which would be catastrophic to Indians and Eskimos who live there by fishing and hunting.

Other possibilities of exploitation lie in the vast stores of oil shale and atomic and nuclear materials now being mined in Colorado; in the ocean's seemingly unlimited resources of atomic hydrogen; in hot springs and volcanoes as sources of energy; in the ocean floor itself for oil and extra-terrestrial minerals; in the great creatures of the ocean such as whales; and in the earth's atmosphere, when it is subject to human decision as to where rain shall fall.

Human brotherhood and culture have had a slow and halting development. In the "democratic" U.S. the very technique for taking the wealth of the earth for private human usage has been incorporated in prevailing systems of ownership. We are late in concluding that the wealth of the earth shall belong to the present and future people of the earth, for the common good of man, although such a suggestion will be ridiculed as the acme of irresponsible radicalism. It may become usual to tax such property so that it will be eventually in total public ownership. The processes of public economy will be far less complex and more comprehensible than private industry.

More and more the surface of our earth needs to be limited to competent use by a responsible public. In much of the world there is only one surface soil to last through the generations. Unless its composition is restricted to reasonable use, the duration of life on the earth will begin to show limits. Until man succeeds in populating other planets, the period of humanity is not unlimited. We have as yet only one earth for our domain.

(Abbreviated by Margot Ensign)
4/7/76



6 on 'empire building' & land trusts

At the recent Community Educational Service Council meeting in Yellow Springs there was a negative comment on the practice (which seems to be happening with some commune or religious movements) where a principal organizer and spiritual leader or exploitative outside interests have ended up amassing fortunes out of the development of an extensive community. This can occur intentionally or unintentionally and although it may not be the primary reason that the group is started, the group may be so organized that the profits accrue to individuals or other interests while the members seek the benefits of community living. Such groups often are people who have "allowed their lives to become disorganized" and need the advantages of a community to "get it back together."

Here I extend this criticism to the larger community movement and say that at least unintentionally each community tends to be engaged in "empire building," and so it will be until the movement has widespread acceptance of "regional" or Community Land Trusts (CLT). Until then any intentional community (even if within a private land trust) will be vulnerable to dissolution brought about by unscrupulous members, which was the ill fate of Llano Community, as results from pecuniary temptation of its general population (particularly likely to happen by second generationers) to turn even minor disgruntlements into cause for dissolution where there are large windfall profits to be reaped from the sale of land. Since there is the very powerful tool of the CLT available to the intentional community movement, why not use it to insure once and for all that a mere profit motive is not the cause of even one more community's dissolution? (Now I'm not saying, 'don't trust your fellow community members or future generations'; just that there is a legal way of preventing members,

present and future, from being put in this possibly compromising position.) The Community Land Trust is a legal entity, usually a non-profit corporation, which has the power to hold property. It can not only hold title to existing community land (thus insuring the land's use in perpetuity for the movement) but can accept, indeed solicit, gifts of land and money to help establish new communities. The CLT also has the power to adjust rents on the individual leases within the community for social purposes, as well as to cover land and administrative costs. It can handle rents (not improvement rents) very much as Henry George proposed in the Single Tax, to bring about a closer economic equality among community members or between communities (in the case of the regional land trust). A possible procedure would be to use such rent adjustments to help equalize educational opportunities among communities.

Herb Goldstein
Downhill Farm

Summer

conference

SAVE THESE DATES - August 6, 7 and 8 for the Community Service Conference on INTERPERSONAL RELATIONSHIPS IN COMMUNITY. We will be dealing with open communication, values clarification, conflict resolution and morale building in community, all in the context of spiritual value. The conference will be held at the Outdoor Education Center of Antioch College in the beautiful Glen Helen nature reserve. Among our resource people will be Ron Myles from Logos, a therapeutic community in New York; Jean Warren from Aloe, a Walden Two community in North Carolina; Jane Doughty from Iris Mountain, an educational community in West Virginia; and Marshall Spangler from Findhorn Community, Scotland. Watch for more details and the registration blank in June.

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-----CONSULTATION

Community Service makes no set charge for consultation services formal or informal, but can only serve through contributions and memberships of its friends and those it helps. Our budget is at present \$18,000 a year. We could do more if we had a \$24,000 yearly budget. For consultations we suggest a minimum contribution equal to that of the users hourly wage for an hour of our time.

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